

AMENDED IN SENATE APRIL 27, 2000

SENATE BILL

No. 1608

Introduced by Senator Brulte

February 22, 2000

An act to ~~amend Sections 12021 and 12021.1 of~~ *add and repeal Chapter 6.5 (commencing with Section 13855) of Title 6 of Part 4 to the Penal Code, relating to firearms.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1608, as amended, Brulte. Firearms: possession by felon.

Existing law provides for various studies and programs related to crime prevention and firearms.

This bill would require the Office of Criminal Justice Planning to undertake a study regarding specified information in connection with violations of Sections 12021 and 12021.1 of the Penal Code, and to report to the Legislature no later than January 1, 2002. This bill would provide that its provisions shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

~~(1) Existing law provides that any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or of certain enumerated offenses, or who is addicted to the use of any narcotic drug, who owns or has in his or her possession or under his or her custody or control any firearm, is guilty of a felony punishable by 16 months, or 2 or 3 years in the state prison.~~

~~This bill would increase the penalty for a violation of these provisions to 3, 4, or 5 years in the state prison. The bill would also provide that notwithstanding any other provision of law, if probation is granted in connection with a violation of these provisions, or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the defendant serve at least 6 months in a county jail. By imposing a mandatory minimum sentence of incarceration in a county jail, this bill would impose a state-mandated local program.~~

~~(2) Existing law provides that notwithstanding the provisions of (1), any person who has previously been convicted of any of a list of enumerated violent offenses, who owns or has in his or her possession or under his or her custody or control any firearm, is guilty of a felony punishable by 16 months, or 2 or 3 years in the state prison.~~

~~This bill would increase the penalty for a violation of these provisions to 5, 8, or 10 years in the state prison, and would also provide that notwithstanding any other provision of law, probation shall not be granted in connection with any violation of these provisions. This bill would also make conforming changes.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 12021 of the Penal Code is~~
- 2 ~~SECTION 1. Chapter 6.5 (commencing with Section~~
- 3 ~~13855) is added to Title 6 of Part 4 of the Penal Code, to~~
- 4 ~~read:~~
- 5



1 CHAPTER 6.5. STUDY OF SECTIONS 12021 AND 12021.1
2 VIOLATIONS AND ENFORCEMENT

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4 13855. (a) *The Office of Criminal Justice Planning*
5 *shall study and report to the Legislature by January 1,*
6 *2002, statewide information identifiable by county, about*
7 *the enforcement of Sections 12021 and 12021.1, including,*
8 *but not limited to the following, for the period of at least*
9 *5 years prior to January 1, 2001:*

10 (1) *The number of arrests for violations of Section*
11 *12021 or 12021.1, identified by the number of arrests that*
12 *were solely for a violation of Section 12021 or 12021.1, and*
13 *the number of arrests for violations of Section 12021 or*
14 *12021.1 and other violations of law.*

15 (2) *The number of prosecutions and convictions that*
16 *were for violations of Section 12021 or 12021.1, identified*
17 *by the number of prosecutions and convictions that were*
18 *solely for a violation of Section 12021 or 12021.1, and the*
19 *number of prosecutions and convictions for violations of*
20 *Section 12021 or 12021.1 and other violations of law.*

21 (3) *The number of persons identified pursuant to*
22 *paragraphs (1) and (2) who had previous convictions for*
23 *serious or violent felonies, and the number sentenced*
24 *pursuant to Sections 1170.12, 12022.5, 12022.53, or*
25 *subdivisions (b) to (i), inclusive, of Section 667.*

26 (4) *The number and lengths, identified as lower,*
27 *middle, and upper term, of sentences imposed where the*
28 *sentence imposed for a violation of Section 12021 or*
29 *12021.1 was the principal term of imprisonment, and the*
30 *number of convictions where the sentence imposed for*
31 *a violation of Section 12021 or 12021.1 was a subordinate*
32 *term of imprisonment.*

33 (5) *The number of persons who were granted*
34 *probation or suspension of the imposition of sentence for*
35 *a violation of Section 12021 or 12021.1.*

36 (6) *The length of time between the arrest for a*
37 *violation of Section 12021 or 12021.1 and the previous*
38 *felony conviction that resulted in the offender being*
39 *subject to Section 12021 or 12021.1.*

1 (b) This chapter shall remain in effect only until
2 January 1, 2002, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 2002, deletes or extends that date.

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Senate February 22, 2000 (JR 11)**

